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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,933	12/19/2001	Noriyuki Kawano	217311US2	9893

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EXAMINER

ORTIZ CRIADO, JORGE L

ART UNIT	PAPER NUMBER
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2656

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/020,933	KAWANO, NORIYUKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jorge L. Ortiz-Criado	2656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,8,12,13,19,21,23-25,30,32-34,38,40-42,47,49-51,55 and 57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

Continuation of Disposition of Claims: Claims withdrawn from consideration are 3-7,9-11,14-18,22,26,27,28,29,31,35-37,39,43-46,48,52-54 and 56..

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1,2,8,12,13,19,21,23-25,30,32-34,38,40-42,47,49-51,55 and 57 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The examiner cannot ascertain/map where in the specification including the detailed description and drawings support is found as to make and/or use “a magnet magnetized in at least three polarities” and “magnetized in four polarities”. The only polarities found shown in the drawings are the N (north) and S (south), but no description is found on a “third” or “fourth” polarity. Applicant’s cooperation is respectfully requested, as to explain where in the specification support is found, in regard of how to obtain a magnet with a “third/fourth” polarity other than the N and S polarities.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,2,8,12,13,19,21,23-25,30,32-34,38,40-42,47,49-51,55 and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by Ikegame (Japanese Pat. No. JP10-116431).

Regarding claims 1 and 12, Ikegame discloses an objective lens drive apparatus for use in an optical pickup (See Abstract), comprising:

a/two magnetic circuit(s) including a magnet magnetized in at least “three polarities” (See Detailed description [0033]; Figs. 11, 12, ref# 8,9); and

a coil unit including a focus coil (See detailed description [0028]; Figs. 12, ref # 3),

a tracking coil (See detailed description [0028]; Figs. 12, ref # 4)

and a tilt coil (See detailed description [0028]; Figs. 12, ref # 5,6),

wherein the focus coil, the tracking coil and the tilt coil are disposed within a magnetic gap of (one of) the magnetic circuit(s) (See detailed description [0028]; Figs. 11,12)

Regarding claims 2, 13, 25, 34, 42 and 51 Ikegame discloses wherein the magnet is magnetized in four polarities (see Figs 11 and 12, ref #8,9).

Regarding claims 8,19, 30, 38, 47 and 55, Ikegame discloses wherein “the/one of” magnetic circuit includes a plurality of magnets, and the coil unit is disposed within the magnetic gap formed by the magnets (see Figs 11 and 12)

Regarding claim 21, Ikegame discloses wherein the coil unit includes a plurality of first printed circuit boards and second printed boards, and the focus coil and the tracking coil are mounted on the first printed circuit board and the tilt coil is mounted on the second printed board (See Detailed description [0028]; Figs. 11, 12,ref# 23,24)

Regarding claim 23, Ikegame discloses wherein the coil unit is fixed to the two side surfaces of a lens holder extending in parallel with a tracking direction (See Detailed description [0028]; Figs. 11, 12)

Regarding claims 24, 33, 41 and 50 Ikegame discloses an objective lens drive apparatus for use in an optical pickup for detecting the inclination of an optical disk to adjust the inclination of an objective lens in accordance with an inclination signal of the optical disk (See Abstract), comprising:

a/two magnetic circuit(s) including a magnet magnetized in at least “three polarities” (See Detailed description [0033]; Figs. 11, 12, ref# 8,9); and

a coil unit including a focus coil (See detailed description [0028]; Figs. 12, ref # 3),

a tracking coil (See detailed description [0028]; Figs. 12, ref # 4)

and a tilt coil (See detailed description [0028]; Figs. 12, ref # 5,6),

wherein the focus coil, the tracking coil and the tilt coil are disposed within a magnetic gap of (one of) the magnetic circuit(s) (See detailed description [0028]; Figs. 11,12)

wherein a focus/tracking servo is executed by supplying currents respectively to a plurality of the focus/tracking coils due to the sum of drive forces generated in the plurality of focus coils, wherein the inclination adjustment of the objective lens is executed by generating moment around the center of gravity of a movable part due to the difference between the drive forces (see detailed description [0031]-[0038]; Figs. 13-15)

Regarding claims 32, 40, 49 and 57, Ikegame discloses wherein the coil unit includes a plurality of a printed circuit board, and the focus coil and the tracking coil are mounted on the printed circuit board (See Detailed description [0028]; Figs. 11, 12,ref# 23,24)

### ***Response to Arguments***

Applicant's arguments filed 11/14/2005 have been fully considered but they are not persuasive.

Applicant argues that the originally filed specification and drawings enables the claimed feature of magnets magnetized in two polarities, and where Ikegame does not disclose a magnet magnetized in at least “three polarities”.

The Examiner cannot concur with the Applicant because, the specification including the detailed description and drawings support is found as to make and/or use “**a magnet magnetized in at least three polarities**” and “magnetized in four polarities”. The **only** polarities

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found described and **shown** in the drawings are the **N (north) and S (south)**, but no description is found on a “third” or “fourth” polarity. All of the figures cited by the Applicant (Figures 14-18), and/or any other figures originally filed shows two polarities the N (north) and S (south). The examiner cannot find in the cited portions of the specification by the Applicant, a description of such support as to make such magnet.

Furthermore, Ikegame discloses a magnet (8 or 9) magnetized in at least “three polarities”, the magnet 8 or 9 of Ikegame shows 4 polarities, two in each section of the magnet, as shown in Figs. 11, and 12. It is magnetized in at least 3 polarities, one North and South in one section and one North and One south in the other section.

The Applicant is reminded the claims are given the broadest reasonable interpretation in light of the specification and although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37



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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L. Ortiz-Criado whose telephone number is (571) 272-7624. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm), Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Thi Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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2/4/06